

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 EB-07 OES-07 COME-00 FEA-01 CIAE-00
DODE-00 NSAE-00 NSCE-00 SSO-00 USIE-00 INRE-00
AGRE-00 ACDA-07 AID-05 CEA-01 CEQ-01 CG-00 EPG-02
DLOS-09 DOTE-00 EPA-01 ERDA-05 FMC-01 TRSE-00
H-01 INR-07 INT-05 IO-13 JUSE-00 L-03 NSC-05
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TO SECSTATE WASHDC IMMEDIATE 4047

C O N F I D E N T I A L OTTAWA 06017

EO 11652: GDS

TAGS: EFIS, CA

SUBJECT: U.S.-CANADIAN MARITIME BOUNDARIES NEGOTIATIONS

1. MAURICE COPITHORNE, DIRECTOR GENERAL OF BUREAU OF LEGAL AFFAIRS, DEPARTMENT OF EXTERNAL AFFAIRS (EXTAFF) GAVE POLITICAL COUNSELOR, JULY 8, FOLLOWING PAPER ENTITLED, "ELEMENTS OF CANADA/U.S. MARITIME BOUNDARIES NEGOTIATIONS" FOR WASHINGTON COMMENTS.

2. BEGIN QUOTE. SCOPE OF NEGOTIATIONS.

THE CANADIAN AND UNITED STATES' GOVERNMENTS ARE APPOINTING SPECIAL NEGOTIATORS TO CONDUCT AD REFERENDUM ON BEHALF OF EACH GOVERNMENT NEGOTIATIONS ENCOMPASSING:

- (A) MARITIME BOUNDARIES DELIMITATION,
- (B) FISHERIES,
- (C) HYDROCARBON RESOURCES.

SALMON INTERCEPTION NEGOTIATIONS

(A) THE SALMON INTERCEPTION NEGOTIATIONS WILL BE RESUMED ON A PRIORITY BASIS.

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(B) THE SPECIAL NEGOTIATOR WILL BE FREE TO DETERMINE THE RELATIONSHIP, IF ANY, BETWEEN THE SALMON NEGOTIATIONS AND THE OTHER NEGOTIATIONS.

TIME-FRAME FOR NEGOTIATIONS

(A) THE NEGOTIATIONS WILL COMMENCE NOT LATER THAN AUGUST

1.

(B) AN AGREED RECORD OF THE NEGOTIATIONS AND SEPARATE REPORTS TO BE SUBMITTED TO GOVERNMENTS NOT LATER THAN NOVEMBER 1, 1977.

FORMAT OF THE NEGOTIATIONS

THE SPECIAL NEGOTIATORS WILL ORGANIZE AND CONDUCT THE NEGOTIATIONS IN THE MANNER AND IN THE PLACES WHICH THEY JUDGE WILL BEST FACILITATE A SETTLEMENT. END QUOTE.

3. COMMENT: ACCORDING TO COPITHORNE, THIS PAPER IS AN ABBREVIATED VERSION OF A DOCUMENT DESCRIBING THE MANDATE FOR THE SPECIAL NEGOTIATOR FOR CANADA. IT IS PRIMARILY DESIGNED TO BE BASIS OF WHAT EXTAFF HOPES WILL BE SIMULTANEOUS AND SIMILAR ANNOUNCEMENTS BY THE U.S. AND CANADIAN GOVERNMENTS REGARDING THE APPOINTMENT OF THE NEGOTIATORS AND THEIR RESPONSIBILITIES. COPITHORNE INDICATED THAT HE EXPECTS THE CABINET WILL APPROVE THE APPOINTMENT OF AMBASSADOR CADIEUX AS THE CANADIAN NEGOTIATOR ON JULY 14 AND THAT THE ANNOUNCEMENT WILL BE MADE BY THE PRIME MINISTER'S OFFICE AS SOON THEREAFTER AS POSSIBLE. FOR SAKE OF SYMMETRY, EXTAFF HOPES OUR ANNOUNCEMENT WILL COME FROM THE WHITE HOUSE.

4. THE DEPARTMENT WILL NOTE THAT THIS PAPER DIFFERS IN SEVERAL RESPECTS FROM THE PAPER THAT WE DRAFTED AND DISCUSSED WITH THE CANADIANS ON JUNE 17. FOR EXAMPLE, CONFIDENTIAL

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ACCORDING TO COPITHORNE, CANADIANS PREFER TO DROP REFERENCES TO "RELEVANT ENVIRONMENTAL ISSUES" AND "OTHER MARITIME ISSUES" NOT BECAUSE THEY WISH THE NEGOTIATORS TO IGNORE THESE SUBJECTS BUT BECAUSE THEY BELIEVE THE FIRST THREE MATTERS SHOULD BE THE PRIMARY FOCUS OF THE NEGOTIATIONS.

5. ALSO, THE CANADIANS HAVE ELIMINATED REFERENCE TO AN "AD REFERENDUM AGREEMENT" AS THE TARGET OF THE NEGOTIATORS. THE WORD "AGREEMENT" BOTHERED CERTAIN CANADIAN OFFICIALS, EVEN THOUGH IT WAS QUALIFIED BY "AD REFERENDUM". THESE OFFICIALS APPARENTLY DO NOT WANT NEGOTIATORS TO HAVE AUTHORITY TO DRAFT THE TEXT OF ANY AGREEMENT. COPITHORNE EXPLAINED THAT GOC BELIEVES THE NEGOTIATORS SHOULD CONCENTRATE ON DEVELOPING "THE ELEMENTS" OR THE FRAMEWORK OF AN AGREEMENT BY NOVEMBER 1 WHICH WOULD THEN BE SUBMITTED TO THE TWO GOVERNMENTS FOR APPROVAL. IF SUCH APPROVAL WERE GIVEN, THE ACTUAL TEXT OF AN AGREEMENT WOULD THEN BE DRAFTED.

6. WE SUBSEQUENTLY WENT BACK TO COPITHORNE TO EXPRESS OUR CONCERN THAT PRESENT WORDING OF CANADIAN PAPER CONTAINS

NO PRECISE STATEMENT OF WHAT THE OBJECTIVE OR PURPOSE OF THE NEGOTIATIONS IS. WE SUGGESTED THAT PARAGRAPH B OF "TIME FRAME FOR NEGOTIATIONS" BE AMENDED TO READ AS FOLLOWS: "AN AGREED RECORD OF THE NEGOTIATIONS, INCLUDING THE ELEMENTS OF A POSSIBLE SETTLEMENT, AND SEPARATE REPORTS TO BE SUBMITTED TO GOVERNMENTS NOT LATER THAN NOVEMBER 1, 1977." COPITHORNE INDICATED HE UNDERSTOOD OUR POINT, WOULD TRY TO ACCOMMODATE IT, AND WOULD GET BACK TO US EARLY NEXT WEEK.

7. WE REQUEST DEPARTMENT'S VIEWS ON THIS PARTICULAR POINT, AS WELL AS ON OTHER ASPECTS OF PAPER. ENDERS

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Message Attributes

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